# **MINUTES**

CHARTER TOWNSHIP OF BRIGHTON BOARD OF TRUSTEES 4363 BUNO ROAD BRIGHTON, MI 48114

FEBRUARY 23, 2017 REGULAR WORK SESSION BUDGET MEETING 7:00 P.M. (810) 229.0560

Supervisor P. Michel called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: P. Michel, Supervisor; A. Bollin, Clerk; R. Drouillard, Treasurer; S. Combs, Trustee; M. Slaton,

Trustee; S. Theis, Trustee; L. Weaire, Trustee

Absent: None.

### CALL TO THE PUBLIC

Mike Palmer, East Grand River – Distributed handout (Eagle Business Center map); SELCRA budget – two municipalities dropped out; Eagle Business Center should be hooked up to sewer; Kensington Valley Ice House should be hooked up to sewer; handout should be distributed to other Township Committees.

Dewey Bonnewell, Kinyon Drive – Allotted his 3 minutes to Mike Palmer.

Mike Palmer, East Grand River –Alternative Facts; harms residents. SELCRA shortfall should be in the form of a loan; raises not deserved; sewer shortfall loans.

John Arthur, Hacker Rd. – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – Outside audit for sewer fund; enforce sewer hookups based on Master Deeds; realtors are not selling in Brighton Township anymore; effect on property values; foreclosures.

Bob Potocki, Woodland Shore Drive – Distributed handout (elected official wages, SELCRA spending, Road spending and sewer rate increase); citizen committees; voter approval; fix problems.

Jim Sarna, Woodland Shore Drive – Distributed handout (August 2015 article); Utilities Committee recommendation on sewer rates and attorney fees; 2014 and 2015 new home starts; Township has made no investment in infrastructure.

Dennis Shoner, Woodland Shore Drive – Allotted 3 minutes to Jim Sarna.

Jim Sarna, Woodland Shore Drive – Policy #807 – original SAD property owners should not have to pay for connections – they paid \$12,400; what did they get?

Tom Westran, Parklawn Drive – Allot his 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – Grinder pumps were Township's responsibility from the beginning; Ordinance changes to the 200' rule; rates increases; outside audit of sewer fund.

Barb Potocki, Woodland Shore Drive – Referenced excerpt from 1995 McNamee, Porter, and Seeley letter to Supervisor William Anderson; time frames; WHMI article (Lake Edgewood sewer operating at 25%).

Rich Spore, Skeman Road – Attacks go back and forth – act like adults – both sides.

Cheryl Guard, Pointe Drive – Is a vacant lot owner; has read the policies. Recent presentation to the PC for proposed Encore development references a policy from 2000 that the Township says is no longer in effect – why can Encore follow that policy? Referenced letter received from Township dated 11-08-2002 regarding policy as it relates to her vacant lot; allotted remaining minutes to Jim Sarna.

Jim Sarna, Woodland Shore Drive – Sewers were initiated under Chapter 20 of the Drain Code with Livingston County Drain Commissioner – not citizen petitions; referenced class action suit.

Kim Logi-Bates, Woodland Shore Drive – How much vetting of developers does the Township do? Planning Commission reviewed Encore Village proposed development but has the developer been reviewed. Township should be doing their due diligence with incoming developments/developers.

Ken Bogos, Parklawn Drive – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – Encore is a huge development in the wrong place; Encore received \$800,000 discount for their sewer hookup; .5 REU should be 1 REU per bedroom. Manager does not live in the Township or County; Manager's wage increase; no raises; part time elected officials should not receive benefits.

Paula Murphy, Parklawn Drive – Township already pays for an Attorney - why are there additional Attorney fees for sewer litigation attorney? Allotted remaining minutes to Mike Palmer.

Mike Palmer, East Grand River – Township should have been putting away \$70,000/year into the reserve fund - didn't do this until 2014; everyone has told him to sue the Township – pending \$38 million dollar lawsuit; idle capacity.

Doug Taylor, Oak Knoll – Confirmed through the Chair that Call to the Public comments will not count as comments in Public Hearing and encouraged everyone to speak during the Public Hearing; sat on committees in 1996, 1998 and 1999 – only one board member was here at that time; sewers were initiated to cure a Woodland Lake weed problem; residents could have tied into the sewer at Genoa or City of Brighton.

Shirley Teegardin, Parklawn Drive – Allotted 3 minutes to Doug Taylor.

Doug Taylor, Oak Knoll – Township went to DEQ in June 1996 to put WWTP at its current location; 2000 Drainage Board; project cost should be at large for public health; 1/8 of people are paying for something that should be paid for at large; referenced two recent appeals (Policy No. 807) that were filed.

Claudia Capos, Oak Knoll – Allotted 3 minutes to Doug Taylor.

Doug Taylor, Oak Knoll – Township is charging vacant lot owners twice; real driving force was development; don't be complicit.

Sam Raguso, Hilton Road – Should learn from history - been doing the same thing; Board members rode on Republican tailcoats; recall; Board members that created sin are still here; has no respect for the Board.

Dan Longeway, Cady Drive – Took over Mother's residence; discovered unsigned paperwork; Township told him to have it signed. Sewer is at 40% capacity – why? Why isn't Shenandoah Ridge on the sewer? Conserve our money; take care of issues we have now.

Jan Black, School Lake Road – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – MMRMA denied Township's insurance claim because of fraud; Doug Taylor is very knowledgeable and was appointed to the Utilities Committee and then he was un-appointed; previous name-calling; rogue Manager.

Jodi Meyers, Tim Avenue – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – Useless policies; why didn't Board members state intent of policy revisions; referenced the term "insanity"; BTBT should do the right thing.

Russ Hartman, Grand River - Allotted 3 minutes to Jim Sarna.

Jim Sarna, Woodland Shore Drive –SAD amounts have been paid, O&M paid to date, interest paid to date, and quarterly charges are paid. Brian Jonkheere wanted a third opinion, BTBT said no.

Pete Black, School Lake Road – Don't continue to waste everyone's time - Can't we come up with a solution? Owns a vacant lot and is paying for a grinder pump and quarterly charges – address the inequities. Township needs to quit spending on sidewalks and other things; has the sidewalk project started? Suggested a committee be appointed to make a presentation to the Township with ideas for solutions; suggested committee members be M. Palmer, J. Sarna plus one more person.

Norma Anderson, School Lake Road – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River - Resident's paying O&M with no grinder is a problem, fraud.

#### **AGENDA**

S. Theis moved and R. Drouillard seconded to approve the agenda upon adding Item G.1. Appointments – Board of Review.

Motion carried.

#### BILLS

A. Bollin moved and R. Drouillard seconded to approve the February 23, 2017 bills as presented. Motion carried.

### APPOINTMENTS - Board of Review

Supervisor Michel presented this item as housekeeping with upcoming March Board of Review.

L. Weaire moved and R. Drouillard seconded to appoint Jeff Stinedurf, Jack Cogley, and Frank Grapentien to the Board of Review for the terms ending December 31, 2018 effective upon swearing in. Motion carried.

### PUBLIC HEARING - SANITARY SEWER RATES FY' 2017-18

Manager Vick provided a brief overview of the financial status of the sewer system, recent reports and multiple discussions by the Utilities Committee and the Board and summarized the proposed rates and assumptions. Ken Palka, PHP, was present to answer questions.

### Public Hearing opened at 8:38 P.M.

Mike Palmer, East Grand River – Website/agenda make no reference to the Utilities Committee recommendation opposing the proposed rate increase; objects to rate increase; referenced fiscal scenarios and plant capacity.

Richard Schlumm, Gary Avenue – Engineer by trade; objects to sewer increase; new to this; taxpayers are going to pay for litigation; admit to the mistake and fix it.

Dan Longeway, Cady Drive – Objects to increase; fix the problem; do the right thing.

Jim Sarna, Woodland Shore Drive – Woodland Shore Homeowner's Association; agrees with F. Grapentien - cost of all other litigation has been paid out of the General Fund, why is the sewer different?

Doug Strachan, School Lake – Confused about the amount of the increase - what is the Quarterly charge increasing too? (Manager summarized the proposed rate increase). Objects to increase.

Page 3 of 8 Charter Township of Brighton – Board of Trustees Minutes – February 23, 2017 RWB Approved – March 20, 2017 Cheryl Guard, Pointe Drive – Objects to increase; Township should pursue other alternatives to get users; attorney fees should not be charged to sewer users; litigation fees should be coming out of General Fund - sewer users should not be penalized. Reinstate the 200' rule and put more people on the sewer. Force Kensington Valley Ice House on sewer per Master Deed.

Bob Potocki, Woodland Shore Drive – Can we speak to SELCRA or operator proposals now? Petitions were filed for refunds – no response; identified overcharges – no response; Attorney Ralls – Township paid fees but never told us; collapse of Old 23 – but didn't go after the contractor; why charge us more money? Filed protest with Supervisor; no authority to raise our taxes; objects to increase.

Doug Taylor, Oak Knoll – Objects to increase; encouraged residents to object to attorney fees being charged to the sewer users; Utilities Committee unanimously voted no increases; Livingston County Drain Commissioner Brian Jonckheere has fiduciary responsibility; why have properties within 200' rule not been acted upon? Rate scenarios/assumptions; Infrastructure Alternatives – cost of extra services.

Steven Rushak, Hilton – Objects to increase; objects to charging sewer litigation costs to the sewer users; this is not right and could be viewed as retaliatory in nature. Do the right thing; revise how you approach that.

Richard Miles, Hilton – Objects to any and all increases for sewer system. Is there a residency requirement for Township employees?

Trustee Slaton clarified that Michigan Court ruled that residency requirements were illegal.

Paula Murphy, Parklawn Drive – Objects to sewer increases, salary increases or other monies going out without people knowing about it.

Sam Raguso, Hilton Road - Objects to increase and legal fees being charged back to sewer fund.

Kim Logi-Bates, Woodland Shore Drive – Objects to legal fees being charged back to sewer users. Is a teacher; this is poor model for her students in Brighton. Objects to raising sewer rates for legal fees. Do other things to find a solution.

Dawn Logi-Bates, - Woodland Shore Drive - Objects to sewer increase; objects to legal fees being charged to sewer users. Enforce sewer hookups under Master Deeds. Build reserves.

Barb Potocki, Woodland Shore Drive – Township has \$15 million in General Fund. Township has done other projects. Objects to raising the rates and legal fees coming out of sewer fund. Eagle Park is not hooked up, should be. Enforce sewer hookups.

Tom Westran, Parklawn Drive – New resident; doesn't object to other projects (i.e. sidewalks/bridges) to enhance community; Township needs to get ducks in a row; people are frustrated. Attorney fees should come out of General Fund; does not support rate increase.

Shirley Teegardin, Parklawn Drive – New to community; objects to legal fees, sewer increase, raises and fees.

Dennis Shoner, Woodland Shore Drive - Objects to sewer increases; pay legal fees out of General Fund.

Walter Barth, Woodland Shore Drive – Objects to rate increase.

Ken Bogos, Parklawn Drive – Objects to rate increase.

Jan Black, School Lake Drive – Objects to any rate increase; objects to legal fees coming out of sewer fund.

Dewey Bonnewell, Kinyon Drive - Objects to increase.

Jack Conely, Overhill Drive - BTBT has capacity to do the right thing; do it.

Mary Herig, Parklawn Drive – First meeting; BTBT is taking the easy way out by charging the tax payer. Pursue sewer hookups. Discouraged at how local government works, should have been involved much sooner. Objects to increase; there are better ways to find a solution.

Randall Lucas, Carol Drive - Objects to increase; wants facts; fairness.

Ray and Debbie Leicht, e-mail dated 02/23/2017 – objects to increase.

## Public Hearing closed at 9:15 P.M.

Manager Vick summarized the rate review process including the Utilities Committee's recommendation and previous discussion(s) by the Board. Discussion included legal fees are paid for services rendered on an hourly basis — no attorney on staff; referenced Michigan Municipal League handbook referencing monies raised for a special purpose are paid for by those receiving the special benefit; need to fund reserves based on the Asset Management Plan; rate adjustments are not retaliatory or punitive; lowering rates to attract more users; REU and confusion on gallons/day/REU and Design Basis Report.

Supervisor Michel requested audience to allow the Board to have discussion. Board discussion continued after the disruption and included review of some of the actions taken to date to reduce costs and attract users contrary to the public suggesting otherwise; efforts included direct procurement, renegotiation of contracts, supplier changes, economic development investments by township, and adding language to all master deeds requiring hook-ups and participation in future SAD's; fiduciary responsibility; updated fiscal analysis listing assumptions and forecasts and Capital Improvement Plan; and resurrecting the Sanitary Sewer Action Plan for review.

S. Theis moved and R. Drouillard seconded that the Township Board having received the financial analysis by PHP has selected a funding scenario ensuring that revenue covers expenses and hereby approves the following sanitary sewer quarterly rates effective April 1, 2017: Debt Service Charge \$80.50 per REU; User Charge \$106.00 per REU.

Ayes: L. Weaire, S. Theis, R. Drouillard, A. Bollin, P. Michel

Nays: S. Combs, M. Slaton

Motion carried.

Clerk Bollin provided historical background of Sanitary Sewer Action Plan and explained why she suggested it be resurrected (for transparency, task tracking and accountability, communication with the users/residents, and serve as a point of reference for the current Board). Manager referenced the information available on the Township website, particularly the March 3, 2016 presentation, which contains a lot of the history of the Sanitary Sewer System including reference documents and provided an overview of alternatives that were being discussed/proposed related to the oversizing which was tabled due to the filing of a lawsuit.

A. Bollin moved and L. Weaire seconded that the Township resurrect the Sanitary Sewer Action Plan for review and to record what has been done to date and identify what can be done to reduce costs and increase users in order to address the overall financial status of the Sanitary Sewer Fund.

Motion carried.

P. Michel moved and S. Combs seconded to recess for 10 minutes. (10:00 P.M.) Motion carried.

The Board returned from recess at 10:10 P.M.

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## TRANSFER OF SDD LICENSE AND SUNDAY SALES (PM) PERMIT - Kroger

Manager Vick provided background confirming that the applicant has had no violations since 2011; Township code enforcement has found no violations.

A. Bollin moved and L. Weaire seconded to notify the Liquor Control Commission that Brighton Township has found nothing negative in their review and would recommend approval of the transfer of the SDD License and Sunday Sales (PM) Permit from 505 East Grand River in Howell to the Kroger store located at 9968 East Grand River in Brighton, Michigan.

Motion carried.

### 2017-18 BUDGET PLANNING

Manager reviewed the FY' 2017-18 budget adoption process and summarized the larger topics that would need more vetting and is awaiting updated numbers; more detail will be provided at the March 6, 2017 meeting.

### PROPOSED DRAFT BUDGET / CAPITAL IMPROVEMENT PLAN

Manager provided historical information on the Capital Improvement Plan which serves as an essential planning tool and reviewed the status of the revisions reviewed by previous Board with some of the suggested revisions included in the red-lined version and overviewed the Sewer and Water sections.

Manager distributed a map of potential road improvement projects including estimates and led discussion on road jurisdiction, joint projects with Livingston County Road Commission (LCRC), prioritizing road projects based on PASER ratings and established Township criteria, and preserving primary and secondary roads through partnering with LCRC noting their lack of available funding to meet the demands for road improvements. Manager presented his recommendation including Jacoby Road based on other existing conditions and led discussion. Discussion continued including explanation of the Preventative Preservation Program (PPP); upcoming LCRC projects scheduled for summer 2017; warranties and life cycle; road repairs (mill and fill); culvert repair is low priority based on very low traffic counts and current traffic patterns based on the closure; Future Road Fund balance and General Fund monies (transferring monies or spending out of General Fund) and status of Old US 23 project. Board consensus was to participate in the following projects included on the map and as discussed with the following priority rankings based on the discussion, established criteria, and existing circumstances: Hacker Road as part of the PPP because it is a collaborative project, has high traffic counts and is an important area of the Township; Old US 23 south from Hilton; Jacoby Road - Pleasant Valley to Roundabout; Stobart Road - Kensington to County Line; Hyne - Old US 23 to the west; Spencer Road (gravel) - Pleasant Valley to Kensington; and Corlett Road (gravel) - Newman to Hyne. Discussion included identifying the total amount of monies to be spent for FY' 2017-18; monies to come out of Future Roads and General Fund; and amount of projected transfer per CIP. Consensus was for the Manager to notify the LCRC of Township's interest in the projects as discussed totaling between \$700,000 and \$1.2 million to determine if projects are feasible in 2017.

Discussion followed on Facility and Building capital projects including identifying large scale projects and projects previously discussed but not pursued. Upcoming projects include Fire Station No. 32 parking lot. Discussion included the need to identify projects and move towards their completion. Projects discussed included Township Hall HVAC system; future roof replacement; parking lots (Township Hall, MSP and WWTP); current repairs needed in stairwell; energy efficiency initiatives including an energy audit; interior painting; Fire Station No. 32 faschia board painting; future carpet replacement and possible cemetery fencing. Also LED lighting, security upgrades, bathrooms, and landscape wall. Supervisor suggested that the staff be polled for needed improvements for incorporation into the CIP.

Sunset Park – Manager provided overview and background and noted the CIP calls for continuing with the transfers to fund the future parks budget and continuing to seek grants for this project. It was noted that the Recreation Plan has expired and is required for seeking some grant funds through the MDNR. Supervisor requested that a rec plan be completed this year.

Manager Vick distributed Map Six, Proposed Pathway System, and provided update on completed projects stating that the plan should be updated to identify projects for future consideration to connect to the City of Brighton and based on future LCRC road projects (i.e. Old US 23).

The next steps for the CIP will be to provide more feedback and schedule a joint meeting with the Planning Commission.

# SELCRA BUDGET / PARTICIPATION FIGURES

Jason Spiller, SELCRA, was present and reviewed the SELCRA budget and participation figures and summarized discussions with Green Oak Township to revise the Articles changing the funding formula to a 60/40 split that will benefit Brighton Township because this amount could be less than the per participant fee. Current participation fee is \$38/participant; SELCRA is requesting \$150,000. Discussion included past participation rate, community expectations, following the current Articles of Incorporation for funding framework, timeline, and unfunded budget needs for the current fiscal year. The Articles of Incorporation outlines how participant rates are adopted. Discussion included need to understand where SELCRA is headed and the vision for the future of SELCRA; expired recreation plan; impact of Legacy and use of BAS facilities.

## SANITARY SEWER SYSTEM OPERATIONS AND MAINTENANCE RFP

Z. Dyba, Assistant to the Manager, reviewed the RFP process and summarized the rate structure components such as contracted operations and extra services (per hour services). Infrastructure Alternatives (current sewer operators) and Wade Trim both submitted bids; both qualified; Wade Trim has proposed a minimally less fee. Discussion included bring in a new set of eyes, Wade Trim experience with instituting a CMMS system, cost difference for grinder rebuilds, pros and cons to both companies, and status of implementing a CMMS system. Staff recommended awarding a contract to Infrastructure Alternatives Inc.; no decision made at meeting; staff will bring forward a contract for Infrastructure Alternatives based on their recommendation in March.

### CALL TO THE PUBLIC

Mike Palmer, East Grand River – REU's, over-sizing, incorrect number of REU's – there are more than 473 available. SELCRA: offices are incompatible; 2 different opinions. REU model was broken in 2003; REU's have changed.

Jan Black, School Lake Drive – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – Lawsuit did not stop the Township; Encore Village got a reduced rate for the sewer. SELCRA is a dead horse; Board is in violation of Public Act 321.

Jim Sarna, Woodland Shore Drive – How did Township get to \$3,000 threshold? May 6, 2003 minutes waived purchase of well loan. Get rid of Policy 807 for original sewer users.

Cheryl Guard, Pointe Drive – Comment was insulting; 1999 letter from Engineer; 2014 letter from Attorney Harris regarding 200' rule; some Woodland Lake parcels not on the sewer. What are you going to do for us?

Barb Potocki, Woodland Shore Drive – Why did Township build such a large sewer system with only a few transmission lines? There were other options like Lake Edgewood or City of Brighton; WWTP was not the best option. Why did you eliminate the 200' rule?

Dennis Shoner, Woodland Shore Drive – Allotted 3 minutes to Mike Palmer.

Mike Palmer, East Grand River – Always find a way to spin things; Eagle Business Center Master Deed and By-Laws reference sewer hook-ups; Township should have been putting away \$70,000/year back in 2003.

Site Plan was approved in 1999 and based on hooking up to the system. Other developments have almost identical language. Do the right thing.

## **ADJOURNMENT**

S. Theis moved and R. Drouillard seconded **to adjourn**. Motion carried. The meeting adjourned at 12:40 A.M. February 24, 2017.

Respectfully submitted,

Ann M. Bollin, CMC, CMMC, Clerk

Patrick Michel, Supervisor